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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/800,280	03/12/2004	Thomas S. Neal	200314060-1	1301

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HEWLETT PACKARD COMPANY
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INTELLECTUAL PROPERTY ADMINISTRATION
FORT COLLINS, CO 80527-2400

EXAMINER

WRIGHT, INGRID D

ART UNIT	PAPER NUMBER
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2835

NOTIFICATION DATE	DELIVERY MODE
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11/20/2008

ELECTRONIC

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary	Application No. 10/800,280	Applicant(s) NEAL ET AL.	
	Examiner INGRID WRIGHT	Art Unit 2835	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-14 and 16-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-3,5-14 and 16-20 is/are allowed.
- 6) ☒ Claim(s) 21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claim 21 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

As best understood, the limitations, “and in which the body remains without one exerting pressure on the body,” are not enabled in the specification. The limitations: “the body remains” and “pressure” is vague and it is unclear, as presented in claim 21 and the limitations: “the body remains without one exerting pressure on the body,” do not convey “how the body remains” and “what kind of pressure,” is involved.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over

Smeege, Jr. et al. US 6535379 B1 (hereinafter: “Smeege”) in view of Kaminski US 5400902.

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Claim 21, Smeege, Jr. et al. teaches a computer system (10) comprising a housing (20) having a storage compartment (col. 3, lines 30-35 of Smeege et al.) to retain an item (CD,DVD) and including: a bottom (bottom surface shown in fig. 2 of Smeege et al.) and a sidewall (side surface shown in fig. 2 of Smeege et al.) that define an interior (shown by recess of fig. 2 of Smeege et al.), and a post (44) operable to retain a storage disc (col. 3, lines 30-35 of Smeege et al.), and having: a body (see, body of (44)) operable to engage the storage disc and a processor (inherent) disposed in the housing (20), but is silent as to a coupling element operable to couple the body (e.g. body of (44)) to an interior of the storage compartment and a position in which the body can not receive the storage when the disc is stored in the compartment (20). Kaminiski teaches a system for retaining an item (31), which allows a body (see, body of components (36)) to be pivoted (see, two different positions of fig. 5 of Kaminski) and a coupling element (34) operable to couple the body (see, body of components (36)) of a storage compartment (20) and a position (e.g. position#2 as shown by dashed lines of the body of (36) in fig. 5 of Kaminski) in which the body (e.g. body of (36)) can not receive the storage disc when the disc (31) is stored in the compartment (20). It would have been obvious to one having ordinary skill in the art at the time the invention was made to utilize the body and coupling element as taught by Kaminski in the invention of Smeege et al., in order to provide a control and enhanced grip system for the disc to engage the post (44) of Smeege, Jr. et al.

Allowable Subject Matter

3. Claims 1-3,5-14,16-20 & 22-24 are allowed.
4. The following is a statement of reasons for the indication of allowable subject matter: the allowability resides in the overall structure of the device as recited by claims 1,11,14,22,23, and at least in part, because **Claim 1** recites: “wherein the coupling element includes a locking element operable to retain the body in at least one of two positions,” **Claim 11** recites: “a hinge that allows said body to rotate at a base of the body between said first position in which said body is extending from said bottom of the storage

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compartment and said second position in which said body lays below said bottom of the storage compartment in a receptacle,” **Claim 14** recites: "rotating a body of a post around a hinge attached to said post, wherein said body is rotated between an extending position extending from a side of a storage compartment and a retracted position in which the body is disposed in a receptacle in said side of the storage compartment and can not receive the storage disc,” **Claim 22** recites: "the coupling element including a locking element," and **Claim 23** recites: “wherein in one position the body is disposed in a receptacle of the bottom, below a surface of the bottom.” The aforementioned limitations in combination with all remaining limitations of claims 4,22 & 23, are believed to render the claims 4,22 & 23 and all claims dependent thereupon, patentable over the art of record.

Response to Arguments

5. Applicant’s arguments, filed 7/21/08, have been fully considered.

Re arguments, of claim 21, wherein the post (36) is not moved to a different position in which the body can not receive an item to be stored in the compartment, *the Examiner respectfully disagrees and clearly want to reiterate, that Kaminski teaches a first position (e.g. position #1 is shown by solid lines of (36), in fig. 5 of Kaminski) and a second position (e.g. position #1 is shown by dashed lines of (36), in fig. 5, Kaminski), different from the first position, in which body (e.g. body of (36)) can not receive an item to be stored in the compartment. In this position, the body (e.g. body of (36)) can not receive (i.e., receive as defined by Webster: to support the weight or pressure of) the disk or item (31). Further, Kaminski clearly states, in col. 6, lines 62-68 & col. 7, lines 1-27, the disc (31) being released, as the body had to change a position in order to release the disc. This fact suggests that the disc (31) is not being held and thus implies a second position, as mentioned above by the Examiner, wherein the body of (36) is not holding the disc (31).*

Re argument, wherein support for the *limitations: “and in which the body remains without one exerting pressure on the body, is included in the specification, the Examiner respectfully disagrees and clearly explains that these limitations are not enabled in the specification. Further, the limitations: “the body remains” and “pressure” is vague and it is unclear, as presented in claim 21. The limitations: “the body remains without one exerting pressure on the body,” do not convey “how the body remains” and “what kind of pressure,” is involved.*

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ingrid Wright whose telephone number is (571)272-8392. The examiner can normally be reached on M-F. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jayprakash Gandhi can be reached on (571)272-2800, ext 35. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or

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Public PAIR. Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Lisa Lea-Edmonds/

Primary Examiner, Art Unit 2835

/Ingrid Wright/

Examiner, Art Unit 2835